

A
REPLY
 TO A
PRINTED PAPER

19 Bedford Level

Intituled the state of the Adventu-
 rers Case, in Answer to a Petition ex-
 hibited against them by the Inhabitants
 of the *Southe of Peterborough*, which cleare-
 ly demonstrates the said Answer to con-
 sist of nothing but falshies and untruthes,
 fallacies and equivocations, calumni-
 ations and detractions.

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19 And for the better satisfaction of the Rea-
 der, there is herewithall printed the Petition it
 self, and the Exceptions to the Act for drayning:
 Together with a Paper which the Undertakers
 (though falsly) stile a Warrant for a Taxe.

19



Printed in the Year, 1630.

A
REPLY
 TO A
PRINTED PAPER

case G 45086 74

Included the face of the Advertiser.
 The Case, in Answer to a Question
 which is given by the Publisher
 of the Book of Piousness, which clearly
 demonstrates the said Answer to con-
 firm of nothing but a false and untrue
 statement and a very bad
 account and a very bad

And for the better satisfaction of the Rea-
 der, there is here with all printed the Petition in
 full, and the Exception to the Act for drawing:
 Together with a Paper which the Underwriters
 (though fully) - like a Woman for a Time



(1)
**To the Supream Authority of
ENGLAND, Assembled in PARLIAMENT.**

*The humble Petition of the Inhabitants of the Soke
of Peterborow, within the County of Northam-
pton, containing about forty Townes and Villages,
whose names are herunto subscribed.*

Humbly sheweth.

Hat your Petitioners understand, by an Act
lately passed, That the Earl of *Bedford* and
his participants, (who may be Judges and
Parties for ought we know, not being na-
med) as Undertakers, are to Drain our
Fennes in the *Soke of Peterborow*, which
contain about eight thousand Acres, and are to have above
three thousand out of them, upon these grounds, as we hum-
bly conceive: First, that we desired to be drained by them;
Secondly, that we are fully heard; Thirdly, that our grounds
were hurtfully surrounded, and of little or no value. To the
first we denie, that we ever gave our consents, but contra-
riwise, we alwayes opposed it; and if any Petitions were
presented to that purpose, we protest against them. To the
second, we attended many moneths at the Committee,
but never had one witnesse examined. To the third, your
Petitioners can prove, that our grounds are not hurtfully
surrounded (as is suggested) but generally worth Tenne,
Twelve, and Twenty shillings an Acre; which is very
well knowne to a principall Engineere lately employed by
the said Adventurers; who for four hundred Acres would
have secured all the residue from any hurtfull surround-
ing, or over-flowing: the onely prejudice we receive, be-
ing by the neglect of scowring some ancient Draines and
Sewers by the said Earl in his Mannor of *Thorney*, and some
new workes contrary to Law erected at *Whittlesey*, and
elsewhere, which hurtfully surrounds many thousand
Acres of rich Medows; yet the said Earle must have above

a third part of our Fen for melioration. Your Petitioners humbly re-minds this Honourable House, that in *primo* Jan. 1641. the undertaking Draining was throwne out of this House for a Monopoly: Also your Honors, in your Grand and first Remonstrance of the fiftenth of December, 1641. adjudged it an *Injustice, Oppression, Violence, Project, and Grievance*; and in more expresse words thus; large quantities of Commons and Severals have beene taken away from the subject by the colour of the Statute of Improvement, and by abuse of the Commissions of Sewers, without their consents, and against it.

The humble desires of your Petitioners are; First, that they may enjoy the benefit of your Declaration, to maintain our Proprieties, according to the Great Charter, and Petition of Right, and that (according to the Statute of Improvement) your Petitioners may be at liberty to make the best of their own, or that your Honours would be pleased to consider of our Exceptions against the said Act, which we humbly tender herewith unto your Honours: 2. that in the meane time we may not be disquieted in our Possessions by the said Undertakers: And lastly, that we may reap the benefit of your former Order. That no Member of this Honourable House, or any other person that is an Undertaker, Sharer, Purchaser, near Allie, Lender of money, or shall have Colateral Security upon the Undertakers pretended shares of our Land, may be Judge and Parties. And these things we are imboldned to crave of your Honors (although an Act of Parliament be passed against us) from your own words laid down in your excellent Declaration of November, 1642. where you declare, It is the peoples Rightes; and your Duty, to receive Petitions, though against things established by Law.

And your Petitioners shall pray, &c.

Exceptions

*Exceptions to the Act for draining of the great Level,
extending it into the Counties of Northton &c.*

1. **V** Whereas in the preamble of the Act, the great Le-
vell is suggested to be such grounds, as by reason
of the frequent overflowing, are of small and uncertaine
profit; and under that notion doe include the Fenne in *Pe-
terbarrow Seake*.

Exceps. We deny our Fen to be of that condition, being
generally worth ten, twelve, and twenty shillings the Acre;
And so they have erected their structure upon a false & un-
sound foundation, taking that for granted which is not.

2. Another consideration for the passing this Act, is
that the Earle of *Bidford* in the 13th. yeare of King *Charles*,
had ninety five thousand Acres decreed to him out of the
said Levell, in recompence of his undertakings.

Exceps. This decree was procured by bribing the King
with 1000. Acres of the said Level, three thousand where-
of was part of the Common of your Petitioners.

3. It is further alledged, that the said Earle and his par-
ticipants had made a good progresse therein.

Exceps. The onely progresse they made, was to divide
the said ninety five thousand Acres amongst themselves by
lots and shares, as by the words of the said Act appears, for
it was found by a Jury at *Huntington*, 14. *Carol.* that the
said Earle and his Participants, had not meliorated the said
Fennes.

4. Whereas it is also suggested that by reason of some
interruptions, the intended benefit of the Common wealth
hath been prevented and delayed.

Exceps. The interruption they received were onely
their own fears to proceed, because their undertakings were
illegall, and their proceedings no just which never were be-
neficciall, but destructive to the Common wealth, as hath
been declared by this present Parliament.

5. Another inducement to passe the Act, is that the said
Earle and his Participants are content to proceed in the said
worke, and hold it out as businesse proper for the care of a
Parliament.

Examp. Wee conceive the Undertakers, many of them being persons disaffected, are so contented to the end they might render the Parliament distatefull to the people, and by consequence ruine them, by countenancing that which they had formerly adjudged, and demonstrated as a grievance in the case of Sir Robert *Barkham*, Captaine *Hall*, and Mr. *Walton*; and so might doe that by policy, which they could not doe by power.

6. By the Act the Undertakers may leave 15000 Acres, for beds and receptacles for Water, besides Meres, Pooles, and Channels.

Except. Under this pretence, they may (to Drain the Earle of *Beaforde* Lands, which are next adjoyning, and really hurtfully surrounded) make all our Common a receptacle for water.

7. Many of the Commissioners are such which the Undertakers know will not attend, others are Undertakers, sharers, or creditors directly or colaterally, and the Participants (not being named) may bee Commissioners for ought wee know, and these Commissioners have absolute and unlimited power by view, or otherwise as to them shall seeme meete without Juries (the life of the Law, and the peoples just freedome) to judge our grounds Drained, and put us out of possession; and in case wee bee grieved by their judgement, yet wee have no remedy but by appealing to themselves; and that in the Temple Hall in *London*, or whither they will adjourne whereby the remedy is worse then the disease.

8. Our Lands were heerebefore unjustly decreed to the sayd Earle, by colour of a Commission of Sewers, yet upon this ground the Undertakers must have the same proportion againe, whether wee receive benefit or no; and we have no liberty by this act to seeke redresse, till first wee be put out of possession, and then the Commissioners have only power for three yeares to give satisfaction, afterwards we be remediless.

9. *Except.* Any five Commissioners may put us out of possession, but wee cannot be restored without six, by the ancient

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ancient Commissioners of Sewers, there ought to be seven times six, by reason there were seven Levels.

10. *Ex.* In case any restitution bee made to any person or owner, it must be taken from another; the Undertakers must still keepe their shares, which is to engage the Counties in Fends and differences.

11. *Except.* By the sayd Act, the River of *Welland* is not to be intermedled withall, which will be very prejudiciall to your Petitioners, for wee finde by constant experience, that in case wee bee not supplied out of that River, our Grounds is of that condition, that our Cattle perish for want of water.

12. *Except.* The Commissioners by the Act have power at discretion to make our Lands which they conceive improved, though not within the pretended Levell, to bee contributory to the Undertakers, so that no man knowes whether his Estate be free or no.

13. *Except.* By the 43. of *Elizabeth*, commonly called the Statute of Improvement; it is enacted and provided that an Undertaker ought to have the Major part of the owners and commoners consents, which the Undertakers well knew, and therefore they suggested to the Parliament, that your Petitioners did desire them to undertake it; and upon this ground when the sayd Undertakers heretofore preferred a Bill for Drayning the sayd Levell; the Parliament Ordered that all the Counties concerned should have notice, that so they might object what they could against the sayd Bill, and accordingly the sayd Counties did attend and objected against it; and thereupon that Bill went no further.

Therefore wee humbly pray, that you will bee pleased by way of provisionall Act, or otherwise, that (wee not consenting) the Act may be repealed.

Valentine

VALENTINE PARKER, WILLIAM MANNING, EDMUND BRAGDY.

To Peterborow:

W Hereas it is apparant that the Undertakers will take a large portion of the Commons, unless some speedy course be taken for prevention thereof; Wee taking it into serious consideration, have thought fit that a considerable summe of money may be raised by a voluntary contribution in every Towne, which wee have indifferently computed according to the Note sent to you, and we desire you, whose Names are above written to afford your assistance in promoting of the businesse in your Towneship, and so meet us at the next Sessions, that the County may know what is done therein. Dated the 18. day of Aprill, 1650.

Francis Quarles.

Iohn Cleypole.

William Lenfold.

Peterborow, 12th pp. 00.

The Answer to the Petition with a Reply thereunto.

Ans. 1. **T**hey stile it the Petition of the Soake of Peterborough, consisting of 47. Parishes and Hamlets; Whereas the Soake of Peterborough consists of seven Parishes which hath severall Endships or Villages, and the Towne of Peterborough hath near as many people in it as all the rest, and the greatest intrest in the Common; and yet the Petitioners could get neither hands to the Petition, nor monie upon the Warrants made by three Justices of Peace at the Sessions for Collecting a taxe, they set at the Sessions, for opposing an Act of this present Parliament. They were likewise refused at Eye, Wainsford, and Thornhaugh, and other places; and yet 'tis stiled the Petition of the Soake of Peterborough.

Reply. As was the foundation, so is the structure; for as the Prophet *Isaiab* hath it in another case, They have made lies their refuge, and under falsehood have they hid themselves. For first, this clause is nothing but a congeries or heap of falsehoods.

1. The Soake of Peterborough hath fourteen Parishes, most of which have two or three, some four or five Towns and Villages belonging to them; and some one of these Parishes have near as many people as the Town of Peterborough; and many single Townes have more Land belonging to them, and so more people that have right of Common, then the Town of Peterborough, the Common belonging to their Land. And those who were best affected there, did either subscribe the Petition, or contribute to the promoting it: And for those that refused there, and also at *Thornhaugh*, *Wainsford*, and *Eye*, the reason is apparant. The mannor of Peterborough is lately purchased by the Lord chiefe Justice, *St. John*, and two of the other Towns, are the Earl of *Bedfords*, and great part of the third; yet there they would have subscribed and

contributed, but that they were threatened by the Bayliff to the said Earl, that they should be turned out of their houses. And yet all these Towns also did contribute to the preferring a former Petition to this Parliament against this undertaking.

2. The Paper it selfe, they call a Warrant, being here-withall printed, will clearely evidence the detracting Spirit of the Answerer, it having neither the face nor resemblance of a Warrant. Nor was there any tax set by the Justices at the Sessions, or at any other time. Onely at a publike meeting (long before the Sessions) at the desire of many Gentlemen Free-holders and Commoners; some Papers were subscribed and directed to severall persons, for a voluntary contribution towards promoting their Petition to the Parliament (which is all the opposition they made to the Act) which Papers were also subscribed as Commoners, but refused as Justices.

3. Although above twenty for one of the persons interested in the Common, having either subscribed or contributed to the prosecuting the Petition; and most of the Gentlemen of quality in the Soake, having attended the Parliament at presenting thereof; It might very well be stiled the Petition of the Soake, yet it was onely intituled, The Petition of such Inhabitants whose names were thereunto subscribed, and not (as falsely is alleadged) *The Petition of the Soake.*

And because the undertakers great pretence is, that they had a Petition from the Soak for Drayning; It will be materiall to expresse the names of some of the principall Gentlement of quality, that either presented, subscribed, or contributed towards the promoting the said Petition against this undertaking, (*viz*) The Lord Fitz-William, Humphrey Orme Senior Esq; The Heirs of Sir Thomas Brown, Thomas Dove Esq; Francis Quarles Senior Esq; John Cleypole Senior Esq; Edward Palmer Esquire, William Sydolfe Esq; John Teigh Esq; Humphrey Orme Jun. Esq; Christopher Thwrsby Esq; Francis Quarles Jun. Esquire, John Cleypole Jun. Esq; William Leafeld Esq; Matthew Robin-

Robinson Esq; John Fletcher Esq; John Wilsby Esquire, with all the rest of the Gentlemen Free-holders and Commoners in the Soake, (Except some few in the Towns above mentioned and for the reasons aforesaid) And which of these deserves the Title of the Petition of the Country? is left to any indifferent Reader (especially them that know that Country) to judge, there not being two Gentlemen of like qualitie, to any of these, that appeare for the Drayning.

Ans. 2. For the manner of procuring it. First, The Petition was set on foot by Sir John Maynard, who sent into the Country for stirring up the people against the Act. The two Quarles's, Justices of the Peace, (who were protected all the War by the Govenours of Beaver and Newark; and in recompence thereof, they protected my Lord Lexingtons Estate in the Parliaments quarters) being first engaged they drew in Leasefield and Mr. Cleypool, two other Justices of Peace. These Justices making use of their Authority, as Justices; procure some others by transacting it at the Sessions, and other publique places, as at a hundred Court Leet for the whole Soake; where both the Quarles's (George Quarles being Steward there) incited and stirred up the people to an opposition. And so at a Horse race, where my Lord of Exeter was solicited to engage against it, but refused: And yet the better to countenance it in all their meetings, used his name; The Petition being brought up, Sir John Maynards advice is taken in it, and the whole management of this affaire is governed by his advice, who in the Kings time was the greatest promoter of Drayning that could be for the King.

Reply. Themselves being guilty of procuring indirect Petitions, they would faine fix it also upon others, and blast them in their reputation, as Sir John Maynard, the Quarles's, Mr. Cleypool, and Mr. Leasefield.

But 1. whereas 'tis suggested, that Sir John Maynard set the Petition on foot, 'tis well known that this undertaking was opposed, & a petition formerly presented from the Soake against it, before Sir John Maynard was known by any of them, to be any whit concerned. And that Sir

John Maynard sent into that Country to stirre up the people against the A&T, hath as little truth in it, as all their former Allegations, and that in particular, that *Sir John Maynard* promoted the undertaking in the Kings time. For 'tis notoriously known, that *Sir John Maynard* preferred at *New-market* a Remonstrance in behalfe of the Country against the Earl of *Bedford's* undertakings, and another at *Huntington* against the Kings.

2. That the *Quarles's* were first engaged, and drew in *Mr. Oleyooke*, and *Mr. Leafield*, is a meere suggestion and groundlesse allegation. For 'tis well known in the Country, that the *Quarles's* are no further concerned then as to the Common, equally to all the rest; Whereas *Mr. Oleyooke*, and *Mr. Leafield* (in case the worke proceed) are in danger to be surrounded in their houses, fields, and severall Grounds.

And whereas 'tis falsely and scandalously alleadged, that the *Quarles's* were protected all the War by the Governours of *Beaver* and *Newark*, and that in recompence thereof, they protected my Lord *Lexington's* Estate in the Parliaments Quarters: They could with the Allegation had been true, as to the protection of themselves. For although the Parliament have declared it no crime to be protected, or to pay contribution being under the power of the Enemy (as they were;) yet the *Quarles's* were so far from being protected, that for their adhering to the Parllament, both their persons and goods have beene seized. They have refused contribution when taxed by the Enemy, and upon all approaches of the Kings party, they were faine to flye for sanctuary to the Parliaments Garrisons, or other where, to obscure and hide themselves as some of the Adventurers themselves know.

And for protecting the Lord *Lexington's* Estate in the Parliaments Quarters, 'tis a meere calumnies and detraction of the Answerer; but because he and his party have been often biting at the same stone, it will be necessary to make cleare what (is presumed) they aimed at. The Daughters of the Lady *Lexington*, Heires

to Sir Thomas Browne, Infants and Wards, had an Estate, to part whereof, one of the *Quarles's* was Tenant. And although it was usually termed the Estate of the Lord *Lexington*; yet because in right it appeared to the Committee at *Norwich* to be the Estate of the said Infants, (for which a Rent was paid to the State) it was not sequestred; and upon the same ground when some other Estate in *London* belonging to the said Infants, was sequestred as the Lord *Lexington's*, it was afterwards discharged by the Parliament.

3. That the people were stirred to opposition, (otherwise then by Petition, which the Parliament have declared to be the right of the people) is a manifest untruth. But 'tis acknowledged that the business was transacted at the hundred Court, it being the proper place for that purpose, for 'tis the chief business of that Court to order and regulate what concerns the said Fen. There all Officers for the Fen are elected. There all presentments are made for Draynes and Banks, and what ever hath reference to the Fen; and for that reason severall Justices of Peace, and the best Free-holders of the Soake, have alwaies frequented and been present at that Court.

How far the Earl of *Exeter* assented or disagreed, will appear in its proper time. But the said Earl being at *London*, and a quiet and peaceable discharge by the Commoners, being represented unto him by the undertakers, under the notion of an exorbitant riot; nay, no lesse then treason, neither the said Earl, nor any sober man had reason to avow it.

Ans. III. For the matter of the Petition.

1. They mention the grounds upon which the Parliament pass the Act (not one whereof are mentioned in the Act) and conclude them to be all false.

1. They saie they never desired to be Drained by the undertakers, nor gave any consent thereto but opposed it.

2. They were not fully heard, nor their witnesses examined.

3. That their grounds are not fully surrounded, their

Land being generally worth, 10. s. 12. s. and 20. s. per Acre: all the hurt they receive by the water, is for want of scouring draynes in Thorney, and from a new worke made at Whitelesea, from this and two opinions, one, 1. Jac. that adjudges underraking drayning a monopoly; and the Declaration of Decemb: 1641. that calls it an oppression and project, they pray they may not be concluded in the Act.

Reply. That not one of the grounds of the Petition, are mentioned in the Act is clearly otherwise; It is in the very frontispiece of the Act, and the foundation upon which all the structure is erected, (viz.) That the said level by reason of frequent overflowings is of small and uncertaine profit; which words do necessarily imply a hurtful surrounding: For the other grounds, the Petitioners are not positive in them, but with submission, and that they had good reason to conceive that the Act was passed upon those grounds and informations will appear. 1. For that the adventurers and their Agents, did frequently heretofore affirme (what they have also now imprinted) that the Petitioners did consent, and that they were fully heard. 2. For that the Parliament upon the Ordinance, did give order that all the Countiees interestted should have notice and be heard, whereupon no doubt they did conceive upon the passing of the Act, that they were all fully heard.

Ans. To answer the particulars of this Petition, it will be necessarie to set downe the state of Drayning, and the proceedings thereupon, which will sufficiently evidence the falsnesse, boldnesse, and unreasonablenesse of this Petition.

Reply. The Answer to the particular of this Petition is so full of prevarication, and equivocation, that the discovery thereof, will sufficiently evidence the falsnesse and boldnesse of the said Answer, and unreasonableness of the said undertaking.

Ans. At a Commission of Sewers held 6 Car. at Lin. every County in the Level, Petitioned Francis late Earl of Bedford, to undertake the work of drayning, and offered him 95000 Acres for his recompence, and the Commission of Sewers which were

47 in number (all land-owners) made it their suit, in behalf of themselves and the Country, requested thereunto by the Grand-Juries; upon this and many former Petitions made unto him for that purpose, he then made a contract, and not one man opposed it.

Repl^y. 1. Here the answerer already begins to prevaricate, and calls the Petition of a part (and that Inconsiderable) the Petition of the County. For in the Soake of Peterborough. (and so 'tis presumed it was done in other Counties) the adventurers by their Agents, got a Petition of their own contriving, subscribed by some of the Earl of Bedfords tenants, and some few other persons interested with them: Whereas twenty times as many, and divers of them having ten times as much interest as any of the subscribers, never consented but alwaies opposed it; and yet this is stiled by them, the Petition of the County.

2. For the Commission of Sewers held at Lin. 'tis notoriously known. at whose instance it was sued out; and how the Commissioners acted; Many of them being Judges and parties drive on the designe of undertaking, and when any would not comply, the Commissions were presently renewed, and such left out; As the Lord North, Sir Roger North, Sir Dudley North, and others: And in case the Grand-Juries had desired any undertaking, it little or no whit concerned them, being most uplanders, especially in the County of Northampton, there being but one hundred (which is the Soak) in that County concerned, which Soak hath also particular jurisdiction, and Grand-Juries of their own, who protest against any such request.

3. They say the Earl made a contract, but alleadge not with whom; 'Tis clear that it was not with the major part of the Commoners and owners (as it ought) according to the Statute of 43 of Eliz. chap. 11. But perhaps the Commissioners might make a contract with themselves, and some others; for a pretence, under colour of a tax imposed, and not paid accordingly. And how legall such imposition and contract was, the Petitioners desire onely that they may be at liberty to determine by the Law. But the adventurers know well enough
the

the illegallity of those proceedings. And therefore have sheltered themselves with an Act of Parliament; and yet those proceedings also are the grounds of their Act.

Ans. The Earl and his participants expended 120000. l. in it, and brought it to great perfection within six years, and then was outed by the late King, who tooke not onely the 95000. Acres but 57000 more.

Reply. The worke was brought to such perfection, onely that according to the words of the Act, *They divided the lands amongst themselves by lots and shares, & for securing their own part* (which was all the best ground in *Peterborough Fen* :) they made all the remainder there, in a worse condition then before their undertaking, and by a Jury at *Huntington*, it was found that the Earl had not meliorated the said levell, and therefore was justly outed: And what proportion soever was allotted to the King at *Huntington*, it never was taken by him, as was unjustly done by the said Earl and his participants, who assigned to the King (by colour of their *Lin. Law*) what was taken by him out of *Burrough Common*.

Ans. About Decemb. 1641. a Bill was brought in for confirmation of *Lin. Law*, and was committed, but by the death of the Earl of Bedford, and the War comming on, the prosecution thereof was laied downe, but afterwards revived againe by severall Petitions, amongst which was one from divers Inhabitants of the Soake of *Peterborough*, whereupon an Ordinance was brought in and committed.

Reply. A Bill was brought in, but so unreasonable, that it was opposed by all the severall Counties, and particularly by the Soake of *Peterborough*; and thereupon 'tis most probable (the Parliament at that time having remonstrated against undertaking without consent of parties interested) the prosecution of it was laid down. What Petitions were presented for the reviving of it out of the Country, were doubtlesse procured by the same Art, and indirectly, as was one from an inconsiderable party of the Soak of *Peterborough*; For the undertakers having erected a Sluce and some new works near *Whittlesea*, which hurt-
fully

fully surrounded all the Meādowes, being many thousand Acres from *Peterborough* to *Wansford* and upwards. The Agents for the adventurers contrived a Petition under colour of pulling downe the Sluce, and cunningly inserted some thing that tended to Drayning: Whereupon the Tenants to the said Earl and some others that desired to be rid of their grievance (the Sluce) subscribed the Petition, but are ready to avow that their intent was onely to pull up that Sluce and not to drayne; and the Agent who procured hands to the said Petition, hath lately acknowledged, that he was faine to butter it over with the Sluce, and how mean a party the subscribers were, will appear by the opposers as formerly is declared.

Ans. The Committee (where none were to have voice that had any interest in the undertaking, but yet all owners in the Country were) before they proceeded, sent Letters by the Chair-man to the severall Sheriffs of the Counties of Norfolke, &c. to give notice to the Inhabitants, that an Ordinance was referred to the Committee for drayning the Fens; and that such as desired to be heard, should attend the Committee: and in these letters, copies of the Ordinance were inclosed, and accordingly notice was given.

Reply. 'Tis true, the Parliament (who intinded the businesse should be carried impartially) did order that no undertaker should be of the Committee: but notwithstanding many undertakers, sharers, and parties interested with them did sit, and vote, and adjurne, and manage all the businesse on the behalf of the undertakers, and some of them were then challenged in that respect by the Countries.

Ans. Thereupon many of the Country came in and objected not so much to the drayning, as to the miscarriage of it in former times: And in particular, some of the Inhabitants of the Soak of Peterborough, for whom one of the great promoters of this Petition, George Quarles was of Councell, who with divers other Councell were heard all they could say, and so was Sir John Maynard himself, and witnesses examined on all parts, and particularly

ticularly some of the Inhabitants of the Soake of Peterborough, by whom it was proved, that Burrow Common, mentioned in the Petition, where my Lord of Bedford first began his draining, was not worth six pence the Acre, but by his drayning made worth ten shillings: and many amendments were made in the Ordinance at their desire, and the severall clauses now in the Act, for the benefit of the Country, were brought in by the Councell of the Country, and assented unto.

Reply. The Countries did come in, and both by Petitions and their Councell did appose this undertaking; and (as their severall conditions were) some objected to the drayning it self, others to the miscarriage, not onely in former times, but by the present undertakers: And 'tis utterly denied that the Inhabitants of the Soake, by themselves or Councell did desire being in, or assent unto any amendments in the Ordinance, or clauses now in the Act: And that witnesses were examined on all parts is a grand untruth. The undertakers examined to the full on their parts, but not above three or four (and those onely on the part of the Isle of Eley) were examined on behalfe of all the six Counties, that some Inhabitants of the Soake were examined, or any at all in behalf of the Soake is otherwise; There was onely one which was a Tenant to the Earl of Bedford, and he was not examined for, but against the Soake; and yet he was more ingenuous then the answerer, to affirme so grosse an untruth, as that Burrow Common was not worth six pence the Acre before the undertaking, for he well knew the contrary: all that he affirmed was, that he conceived Burrow Fen improved by the Earls undertaking, or words to that effect; And yet that will clearly appear otherwise if rightly understood.

'Tis true, that part the undertakers tooke for themselves, they imbanked and kept out the water, and so improved, but left all the Common a recepticle and bed for the water, and so made that worse then heretofore.

Ans. Before the Committee these things were in question amongst others. 1. What title the Earl of Bedford had to this worke.

worke. 2. Whether the levell was hurtfully surrounded. 3. Whether the worke was feasible. 4. Whether it were beneficiall; and witnesses examined to all these points, That there were neare fifty hearings in the space of almost three years, and all sides heard, &c. (which appears at large in the Chaire-mans book) and upon the report thereof the Act passed.

Reply. That the Earls title was questioned is true; the Countries all opposed it, and were and are ready to try the validity of it with him at Law (in case they may be permitted;) but the undertakers well knew the weaknesse thereof, and therefore waved that point, and fell upon the others which were collaterall, and best made way for their Act: And for the benefit of the worke, their proofs went onely to particular men, who had imbanked and plowed; but this benefit cannot redound to the Petitioners (being Commoners:) They cannot plow nor sow, but must onely eat their Commons with their Cattle: That witnesses were examined to all these points on the parts of the undertakers may be true; but that all sides were heard, (otherwise then aforesaid) is utterly false, neither can any such thing (if truly taken) appear in the Chaire-mans book.

Ans. The Act being past, the Earl and his participants the last Summer and this, have raised and expended 50000.l. which with the 120000.l. principall, and interest formerly expended thereupon makes near 300000.

Reply. What monies the Earl and his participants expended was in their own wrong: nor is it any great difficulty to raise and expend great summes of money, when the estates of the Petitioners and other Countries must be first sold for the raising it.

Ans. This being the true state of the businesse as it appeared before the Committee, the contrary to what the Petitioners affirme appears to be true; as that, 1. They were fully heard, and witnesses examined. 2. That they were hurtfully surrounded.

Reply. The businesse is generally mistated by the Answerer: that onely being alledged which tends to his own purpose; but it consisting most in matter of fact,

the Petitioners desire onely that liberty, and they doubt not clearly to prove what they alleadge, and to make appear the contrary what the undertakers affirme to be true; as that, 1. They were not fully heard, they never having one witnesse examined. 2. They never consented but alwaies opposed the said undertaking. 3. That they are not hurtfully surrounded.

Ans. The Petitioners equivocate with the Parliament, and say Burrow Common is not hurtfully surrounded, that is true; for the workes made by the undertakers draine them, and till that was done they never stirred, but before the undertaking it was a Quagmire, usefull for nothing but fishing and fowling, as appears by the Statutes of 32 H. 8. 13. & 43 Eliz. 11.

Reply. In case any workes had been made by the undertakers which drayne *Burrow Common*, it is no more then the Earl of *Bedford* of right ought to do, his Mannor of *Thorney* lying next adjoyning, and the neglect of his drain being the greatest prejudice to *Burrow Fen*: But (in case the undertakers durst abide a legall triall) it would easily be made appear, that *Burrow Fen* was in as good a condition before the undertaking as since (for ought that's done by the undertakers:) But the Petitioners themselves of late years have by voluntary contributions, and by letting out part of their Common, raised severall summes of money, and have thereby repaired their bankes, and scoured their draines, to the good improvement of their said Common.

And for those two Statutes, they make little for their advantage, if rightly taken; Tis well known that Statutes looke to the generallity; and the Levell (as tis called) consists of near 400000 Acres, whereof *Peterborough Fen* is an inconsiderable part, and as one of those Statutes tearmes it, and the Answer it self; *But a borderer.* And in case *Burrow Fen* was within the meaning of those Statutes, yet how absurd a conclusion doth the Answerer draw from thence (*viz.*) *Burrow Common* was hurtfully surrounded, 32 H. 8. and therefore it is so now. It might be then drowned, and now good ground, as really it is.

Ans.

Ans. That the draining drownes many thousand Acres of rich meadowes is untrue; It must in reason ease the meadowes because the out-felt is deeper, and the floods go to the Sea by a nearer cut, and if any damage hath beene of late done to the meadowes by floods, it is by a banke made at Orton, a mile above Peterborough, whereby the meadowes above that banke are worse, but those below are bettered.

Reply. To evince the falshood of this particular, experience is the strongest and surest evidence; and they below that damme at Orton find by sad experience, that they are much drowned as those above, and that by the undertakers workes.

Ans. The undertakers workes are so far from drowning any other grounds that they secure all Holland and Marshland, and takes from them the charge and danger, so that nothing but malice could object that the undertakers drowned their grounds to draine these.

Reply. Had the Answerer but meere naturall Logick, he could never have drawne this conclusion from such premises, (*viz.*) That the Undertakers secure Holland, therefore they drowne no other ground, they may secure one place, and yet drowne another as they doe. And that their workes doe so and will doe more, is demonstrable in reason; for although there were a nearer cut and greater outfall then before, yet the water which in floods useth to expatiate many miles, all over Whittlesea and Thorney Lordships, eaven to the Coasts of Halland, being to be contracted within banks, must needs rise much higher, and continue longer, which hath evidently appeared these late yeares, since the unbanking onely on the South side the River Neve; how much more will it be when 'tis unbanked on the North side also.

Ans. For the Judgement in Parliament, I Jacob. There is no such thing.

Reply. 'Tis well knowne that Sir Miles Sands a great adverturer at this time, did in 1 Jacob. promote this businesse of Drayning, which being then well understood, and opposed by Sir Edward Cooke, King James also made

a speech against it, and so it was rejected.

Ans. For that Remonstrance in Decemb. 1641. It appears to be ment of improvement, made by the King as Lord of divers Mannors upon great wastes. And that this works of Drayning was not intended in this Declaration is cleare, because at that time the Earl of Bedford's Drayning was countenanced by the Parliament, and a Bill committed for establishing it.

Replie. Sure the Answerer cannot be so ignorant, as he seemes to be, for that this Drayning was intended by the Parliament, is evident by the words of their Remonstrance (*viz.*) Large quantities of Commons, and severalls have been taken awaie from the subject, by abuse of the Commissions of Sewers, without their consents and against it. And till the Answerer can produce some presidents of Commissions of Sewers issued out for improving Up-Lands; 'tis hoped he will give others leave to think that this Drayning was intended in the said Remonstrance. Besides, that very clause was inserted in the said Remonstrance, upon the Petition of Lincolne-shire Gentlemen, against the Earl of Lindsey's undertaking, which stood upon the same bottome with this of the Earl of Bedford's.

Ans. They saie, It's a monopolie against Magna Charta, and the Petition of Right. Whereas Parliaments have alwaies been of another minde, as appears by the Statute, 23. of Eliz. 13 The Stat. of Jac. Chap. 8. Which encourage Drayning, and give the undertakers halfe, and more. And the Earl of Bedford hath but the fourth part. And so 4 Jac. 13. &c. 43. Eliz. 11. are excellent Statutes for encouragement of undertaking drowned Grounds.

Reply. Here the Answerer still prosecutes his trade of Juggling, and (to delude the people, and asperse the Petitioners) confounds legall and illegall Drayning, and affirms (though falsely) that the Petitioners call all Drayning a Monopily, and project, which is otherwise; For the Petitioners onely (according to the Declaration of Parliament) terme that a monopolie, which is by abuse of the Commissions of Sewers, and against consent of parties interess'd, as this undertaking was. And had these

these Undertakers proceeded, as the Undertakers by the three first mentioned Statutes (which was according to the Statute 43. Eliz.) by contract with the parties interested, they had not been opposed by the Petitioners. And whereas 'tis affirmed that the Earl had but a fourth part. There was taken from the Petitioners by colour of the Commission of Sewers, above a third part, and that of the best Ground in their Common. And by the Act the Undertakers are to have the same proportion againe.

Ans. The Scope of all is, that the Parliament should maintain their owne Act. That the Petition may be cast out of the House, and the promoters left to the Law, for the reasons before insisted upon; And further, for that the Petitioners stirred not till a yeare after the Act passed, and those workes done in particular which should secure them.

2. It would be mischievous to the Common-wealth, to give any countenance to this Petition; for by the same reason the Act for the Engagement, taking away Kingship &c. may be Petitioned against. And 'tis not doubted but that Sir John Maynard waits for some colour of a ground, to set on foot some practise against those Lawes.

3. For that the Petition complains of nothing, but what the Act hath made full provision in. And in all cases of difference the Commissioners are to judge. And the Petitioners have not so much as made any addresse to the Commissioners, but conclude them all parties interested, and so appeale from them.

Replie. That the Petitioners never stirred till a yeare after the Act, is clearely otherwise.

1. The Petitioners did oppose this undertaking, and brought in their Exceptions against the Bill exhibited by the said Earl 1641. Also they opposed the Ordinance brought in for passing this Act (as the Answerer himself confesseth) three yeares before the Act passed. But the Answerer hath so used himselfe to falsifie, that he will contradict what himselfe before affirmed, if it make for his advantage.

2. It would be very mischievous to the Common-Wealth,

Wealth, if the subjects thereof should be deprived of the liberty of Petitioning against things established by Law, so that it be done with sobriety and submission to the present Government (as this Petition was.) And this present Parliament have declared it the peoples Right to preferre, and their Duties to receive such Petitions. And it is a great boldnesse in the Answerer, to terme that a mischief which the Parliament have declared to be the peoples Right. But they who for their own interest; (in opposition to the Parliament) did endeavour with fire and sword to establish Kingship, nay, Tyrannie, can for their own advantage wheele about, and lay that imputation upon others, who alwaies have adhered to the Parliament, (as Sir John Maynard and others) having well learnt that machivilian Rule, *Charge borne (though never so false) some things will stick.*

3. There is some seeming provision made by the Act, but the Commissioners have no power to apply it, till first the Petitioners be put out of possession, which is one of the Petitioners greatest grievance. And to what end should the Petitioners address themselves to the Commissioners, when they have no power to give redresse. And that some of the Commissioners are parties interested, the Undertakers themselves well know, and have lately acknowledged. But that the Petitioners doe conclude them, all parties is one of the Answerers false recitals, The Petitioners onely desiring that no parties interested may be Judges and Parties.

FINIS.

